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Colorado Department
of Public Health
and Environment

Memorandum

To: Water Quality Control Commission

From: Nathan Moore, Water Quality Control Division, Permits Section

Date: December 28, 2012

Subject: Triennial Review Informational Hearing for Regulation No.63 – Pretreatment Regulations

CC: Paul Frohardt, Dick Parachini, Janet Kieler, Steve Gunderson, Nancy Horan

In accordance with the Water Quality Control Commission's (Commission) triennial regulation review process, an Informational Hearing regarding Regulation No.63 will be held on January 14, 2013. This memorandum presents information that the Water Quality Control Division (Division) proposes that the Commission consider regarding a future Rulemaking Hearing.

Division Recommendation

The Division recommends that at this time Regulation No. 63 should be continued in its current form. The Division does not recommend the Commission schedule a further Rulemaking Hearing at this time.

Stakeholder Process

The Division has not conducted any specific outreach or process to identify stakeholder interest in pursuing changes to Regulation No. 63. However, the Division does coordinate regularly with the Colorado Industrial Pretreatment Coordinators Association, the trade associating representing pretreatment coordinators for Publicly Owned Treatment Works (POTWs) and the two POTWs with requirements to implement State approved pretreatment programs under Regulation No. 63, and is not aware of any interest within that community to pursue any changes at this time.

The Division has discussed the potential for regulatory changes with EPA Region 8 staff. Although some areas for further clarity were discussed, a need was not identified to pursue changes at this time.

In addition, the Division discussed the specific issue of Technologically Enhanced Radioactive Material (TENORM) materials related to Pretreatment requirements, which is discussed further below, with stakeholder at the Colorado Water Quality Forum on November 19, 2012. The Division

indicated at the meeting that it did not intend to recommend to the Commission that changes to Regulation 64 associated with radionuclides and TENORM be considered at this time.

Summary of Issues associated with TENORM

Although the Division is not recommending that the Commission schedule rulemaking at this time, the Division would like to provide information to the commission regarding the potential for TENORM to be present in discharges to POTWs from some drinking water treatment facilities. The issue relates to Regulation No. 63 because one of the stated objectives of the regulation in Part 63.2(A) is “to prevent the introduction of pollutants into POTW’s which interfere with the operation of a POTW, including interference with its use or disposal of sludge.” TENORM discharged into a POTW would potentially be concentrated within the facility’s sludge, and depending on concentrations could interfere with the use or disposal of the sludge.

There is potential for radionuclides to be present in residual wastes from water treatment. More intensive drinking water treatment processes, such as reverse osmosis, may further increase the potential for, and the concentration of, radionuclide in the waste. This material, which can be concentrated by the treatment process, is classified as TENORM. The Department’s Radiation Control Program regulates TENORM management, and drinking water residuals containing TENORM may fall under the requirements of this program. This could include requirements associated with all disposal pathways, including disposal to the sanitary sewer system and subsequent requirements associated with the waste water treatment plant biosolids if they also potentially contain TENORM. The Water Quality Control Division and the Hazardous Materials and Waste Management Division both have processes in place that help to identify the potential for TENORM in drinking water treatment plant residuals and to address disposal pathways and coordination with the Radiation Control Program. However, the Department has identified a need to evaluate the processes and requirements in place regarding identification of TENORM associated with drinking water treatment facilities more holistically to help facilitate identification and proper management of these materials. Specifically, the Division has identified a need to obtain more data about the presence of TENORM in drinking water residuals and in sludge at POTWS that accept drinking water treatment wastes.

The Division does not have any proposed revision to the Regulation No. 63 at this time. Further information and discussion with stakeholders is necessary. Areas for discussion may include screening for radionuclides in POTW influent and sludge, identifying appropriate local limits for radionuclides, and pretreatment requirements for drinking water treatment facilities